

UNITED STATES DISTRICT COURT

Southern

District of

New York

Stephen M. Ross

SUMMONS IN A CIVIL ACTION

V.

Robert K. Utley, III and Ann K. Utley

CASE NUMBER:

07 CIV 6119

Judge Hellerstein

TO: (Name and address of Defendant)

Robert and Ann Utley
2828 Hood Street
Dallas, TX 75219

Robert and Ann Utley
3890 W. Northwest Highway
Suite 700
Dallas, TX 75220

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Mark Walfish
Katsky Korins LLP
605 Third Avenue
New York, NY 10158

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

JUN 29 2007

DATE

(By) DEPUTY CLERK

STEPHEN M. ROSS

Plaintiff(s)

- against -

Index # 07 CIV 6119 (HELLERSTEIN)

ROBERT K. UTLEY, III, ETANO

Defendant(s)

Purchased June 29, 2007

File # 275 (D)

Mail Date August 14, 2007

AFFIDAVIT OF MAILING

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

JONATHAN GRABER BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on August 14, 2007 at a regular depository maintained by the United States Post Office deponent mailed a copy of the SUMMONS AND COMPLAINT; INDIVIDUAL RULES OF THE HONORABLE ALVIN K. HELLERSTEIN; 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC* to ROBERT K. UTLEY, III at

890 W. NORTHWEST HIGHWAY
SUITE 600
DALLAS, TX 75220

Copy was mailed REGULAR FIRST CLASS MAIL, and was marked personal & confidential and not indicating on the outside hereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

CASE OR APPEAL

Sworn to me on: August 14, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010

JONATHAN GRABER
License #: 1102041
Invoice #: 445575

STEPHEN M. ROSS

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STEPHEN M. ROSS

Plaintiff(s)

Index # 07 CIV 6119 (HELLERSTEIN)

- against -

ROBERT K. UTLEY, III, ETANO

Defendant(s)

Purchased June 29, 2007

File # 275 (D)

AFFIDAVIT OF SERVICE

STATE OF *Texas* : COUNTY OF *Tarrant* ss:

Curtis Toombs BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES AT ~~3890 W. Northwest Highway, Suite 700, Dallas, TX 75219~~ *1111 E. Berry Street, Fort Worth, TX 76110* *cat*

That on August 13, 2007 at 04:55 PM at

3890 W. NORTHWEST HIGHWAY
SUITE 600
DALLAS, TX 75220

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL RULES OF THE HONORABLE ALVIN K. HELLERSTEIN; 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC* on ANN K. UTLEY therein named,

SUITABLE AGE

by delivering the real a true copy of each to SHARON B. JOINER a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	WHITE	BLONDE	45	6'	175

MILITARY SERVICE

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

***CASE OR APPEAL**

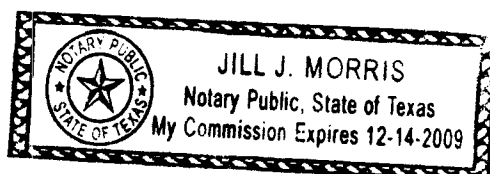
That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on:

Notary:

Curtis Toombs
Server: *Curtis Toombs*

Invoice #: 44 5575



STEPHEN M. ROSS

Plaintiff(s)

Index # 07 CIV 6119 (HELLERSTEIN)

- against -

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**SUITABLE
AGE**

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**MILITARY
SERVICE**

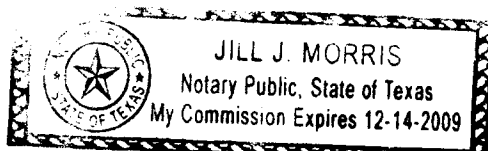
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***CASE OR APPEAL**

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described as the Defendant in this action.

Sworn to me on:

Notary:



[Signature]
Server: Curtis Toombs

Invoice #: 44 5575